REMARKS

All claims stand rejected under 35 U.S.C. § 103(a) as being unpatentable over various combination of U.S. patents of Heddaya, Smith, Copeland, Wittgreffe, Eichstaedt, Reiche, Lapstun, Birnbaum, and Genty. All grounds for § 103(a) rejections except for claim 29 involve the U.S. Patent issued to Copeland. Applicants respectfully submit that Copeland was filed after the date of the present invention and thus cannot be used to anticipate or render obvious the claimed subject matter.

I. *Copeland* was filed after the date of invention and thus cannot be used to anticipate or render obvious the claimed subject matter.

Copeland was filed on December 18, 2000, and was published on October 10, 2002. Therefore, this reference is being cited as 102(e) art and is thus eligible to be overcome based upon an affidavit or declaration from an inventor pursuant to 37 C.F.R. § 1.131. See MPEP § 715. Applicants are in the process of amending the § 1.131 declaration and will file the amended declaration together with the next communication to the U.S. Patent and Trademark Office.

II. The cited passages of *Copeland* do not cure the deficiencies of Heddaya and Smith.

The Final Office Action acknowledges that Heddaya and Smith fail to disclose the claimed limitation of "***querying*** *a database to obtain cached data . . .* ***processing*** *the data . . .* ***and packing*** *the information associated with the data*" but cites to **para. [0038] – [0041]** of *Copeland* and concludes that the cited paragraphs disclose the aforementioned claimed

limitations Applicants agree that Heddaya and Smith do not disclose the above limitations, but Applicants respectfully disagree that Copeland discloses the claimed limitations.

The cited passages of Copeland disclose a method of improving the Internet traffic by decreasing the frequency of database accesses and by avoiding redundant execution of commands and JSPs. **Para. [0039] – [0040]**.

However, **para. [0038]-[0041]** of Copeland explicitly disclaimed the claimed limitations. These paragraphs of Copeland explicitly disclose a method which, "[i]n many cases, [] would be advantageous to cache a usable command that generates HTML web content." More importantly, Copeland explicitly discloses an "***alternative***" to caching the command as "cach[ing] the fully rendered HTML". **Para. [0041]**.

Copeland then goes on to disclose the respective advantages and disadvantages of cashing the commands and cashing the fully rendered HTML content. **Para. [0041]**. More specifically, when Copeland adopts the alternative of caching the command, Copeland specifically discloses that this alternative of caching the commands "***avoids having to access the database***". **Para. [0041]**. Therefore, Copeland's caching the commands alternative does not perform the claimed limitation of "querying a database" of claim 1. When Copeland adopts the other alternative of caching the fully rendered HTML, this alternative "avoid[s] redundant execution of commands and JSPs . . .", **para. [0040]**, and "the underlying data does not have to [be] rendered into HTML . . . ." **Para. [0041]**. That is, in the second alternative, Copeland merely retrieves the fully-rendered HTML without processing the data. This is contrary to the claimed limitations.

Therefore, in this second alternative of caching the fully rendered HTML, Copeland does not perform the claimed limitation of "processing the data" of claim 1.

The Final Office Action explains that "this obtained data is processed and packaged in the creation and storage of the data into the created Cache Entry" and "either [alternative] is stored in the created CacheEntry" and the Final Office Action thus provides that the cited paragraphs disclose the above claimed limitations. However, Applicants respectfully point out that Copeland's CacheEntry object constitutes the data to be retrieved from the database for "prefabrication" and thus how these CacheEntry objects are created and stored and whether such objects are processed before they are stored have no bearing on the claimed limitations which concern with prefabricating an information page. That is, claim 1 is directed at a method for prefabricating an information page but not how the individual components of the information page are created, processed, or stored.

As such, neither alternative of Copeland does not perform all of the above claimed limitations. Thus, Copeland does not cure the deficiencies of Heddaya and Smith and cannot be used to preclude the patentability of claim 1 and its dependent claims.

III. *Wittgreffe* does not disclose, teach, or suggest the claimed limitations of claim 1 that both *Heddaya* and *Smith* fail to disclose.

The Office Action further acknowledges that *Heddaya* and *Smith* fail to disclose the claimed limitations of "wherein the act of fabricating the first pages comprises querying a database to obtain cached data, processing the data received . . ., and packaging information

associated with the data . . ." of claim 1. Nonetheless, the Office Action cites to **col. 2, ll. 25-50** of *Wittgreffe* and concludes that the cited passages of *Wittgreffe* disclose the aforementioned claimed limitation. Applicants agree that Heddaya and Smith fail to disclose such claimed limitations, but Applicants respectfully disagree that *Wittgreffe* cures such deficiencies of *Heddaya* and *Smith*. Applicants note that in order to establish obviousness of a claimed invention, all the claimed limitations must be taught or suggested by the cited references. MPEP 2143.03.

Wittgreffe addresses the problem of, in the context of property sale, an individual user's need to "visit almost all the known advertisers to gather a reasonable sample of suitable property" due to the fact that each individual agent "is likely to advertise only a relatively small number of properties at any one time." **Col. 2, ll. 6-20**. *Wittgreffe* thereby discloses an information access system that establishes a network connection to individual Internet sites, transmits a formatted query to said Internet sites to obtain results in response to the query, and stores said results in a database or update an existing database. **Col. 2, ll. 6-20** and **col. 4, l. 64 - col. 6, l. 10**. In other words, Wittgreffe's system merely creates a database that contains relevant information of interest to individual users from various Internet sites which provide similar information to solve the problem of the individual user's need to visit and query each individual sites (advertiser) in exchange for a relative small piece of information from each individual sites.

This is not, however, the claimed limitation. The pertinent portion of claim 1 discloses the limitation of prefabricating a page. However, claim 1 does not merely disclose querying a database. Rather, the act of prefabricating pages in claim 1 comprises querying a database ***to***

obtain cached data. In contrast, Wittgreffe's system merely transmits a query to an Internet site to obtain ***information***. Nothing is *Wittgreffe* suggests that the information sought to be obtained by the system is cached by any means. Rather, *Wittgreffe* merely retrieves data from the Internet site in accordance with the queries transmitted to said Internet site.

Furthermore, the Final Office Action provides that "Wittgreffe discloses searching a cached webpage (citation omitted)". Applicants respectfully submit that the cached webpage in Wittgreffe has no bearing on the claimed limitations. The cache in Wittgreffe is used to store the query results from a third party Internet site. (*Results of a query, returned from a particular third party Internet site . . . may be collated in a Temporary Query Result Cache 150, stored for example in the store 125*. **Col. 4, ll. 37-41**.) However, Wittgreffe does not disclose that any of the query results obtained from the third party Internet site are "cached" data. This clearly contradicts the claimed limitations of "querying a database to obtain cached data". That is, the data in claim 1 are ***cashed data*** and are obtained in response to the query to the database. In contrast, Wittgreffe merely retrieves the data from a third party Internet site regardless of whether such data are cashed, and such data do not become "cashed data" until the store in Wittgreffe retrieves the data from an Internet site and places the data in its Temporary Result Cache.

As such, Applicants respectfully submit that Wittgreffe does not even remotely disclose, teach, or suggest the aforementioned limitation and thus fails to cure the deficiency of *Heddaya* and *Smith*. Therefore, claim 1 is again believed to be allowable over *Heddaya*, *Smith*, and *Wittgreffe*.

Claims 49, 58, and 63 disclose similar limitations as does claim 1. Claims 23, 70-71, and 73-74 represent the system and computer program product claims implementing the above method claims and thus are believed to be allowable over Heddaya, Smith, and Wittgreffe for at least the foregoing reasons. As such, Applicants respectfully submit that claims 1, 23, 49, 58, 70-71, 73-74, and their respective dependent claims are believed to be allowable over Heddaya, Smith, and Wittgreffe.

CONCLUSION

Based on the foregoing, all remaining claims are in condition for allowance, which is respectfully requested. If the Examiner has any questions or comments regarding this response, the Examiner is respectfully requested to contact the undersigned at the number listed below.

The Commissioner is authorized to charge any fees due in connection with the filing of this document to Bingham McCutchen's Deposit Account No. **50-2518,** referencing billing number **7011452001**. The Commissioner is authorized to credit any overpayment or to charge any underpayment to Bingham McCutchen's Deposit Account No. **50-2518,** referencing billing number **7011452001**.

Respectfully submitted,

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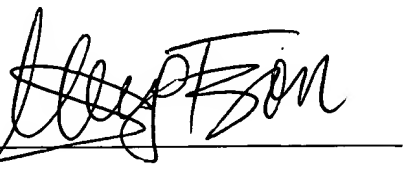
Dated: March 19, 2007 By: 

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